

FDN-2238/CONT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant : James Phillip O'Reilly) Group Art Unit : 1302
Continuation Application of) Examiner : C. Sherrer
Serial No. 08/412,037)
Filed : Concurrently herewith)
For: BEVERAGE STABILISATION

1361 Alps Road
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JANUARY 16, 2001

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

SIMULTANEOUS AMENDMENT

IN THE SPECIFICATION

On page 5, lines 21 and 22, change the phrase "Polyclar Super R" to read
--- POLYCLAR® Super R stabilizer ---.

IN THE CLAIMS

Please cancel original claims 1 through 9 and add the following claims:

- 10. A continuous process for stabilizing bright beer which comprises:
 - (a) treating said beer with polyvinyl polypyrrolidone (PVPP), at least 90% by weight of which has a particle size of at least 10 µm, in an amount between 10 and 100 g/hl of said beer, to allow said PVPP to absorb polyphenolic material from said beer,

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- (b) continuously centrifuging the main flow of said thus-treated beer to simultaneously (1) remove at least 95% of the used PVPP therefrom in the form of a viscous concentrate paste or slurry in a beer carrier having a solids content of at least 25% by weight, and (2) to form a separate flow stream consisting of the main flow of stabilized beer,
 - (c) then collecting said used PVPP from said slurry by filtration,
 - (d) periodically regenerating fresh PVPP from the thus-collected used PVPP by contacting it with alkali and, after suitable washing,
 - (e) recycling the regenerated PVPP for reuse in step (a).

11. A continuous process according to claim 1 wherein at least 95% of said PVPP has a particle size of at least 20 μm .

12. A continuous process according to claim 1 wherein said particle sizes are between 50 and 100 μm .

13. A continuous process according to claim 1 wherein said slurry has a solids content of 35 to 40%. ---

REMARKS

Applicant's claims have been amended to further define the invention in view of the decision of the Board of Patent Appeals and Interferences mailed November 29, 2000. In particular, the Board decided the appeal on the basis of the interpretation of the claim language "a main flow of the beverage". For clarity, the instant claims now recite "the main flow [of said thus-treated beer]".

Furthermore, the claims have been amended to recite a preferred PVPP particle size, i.e., 90% by weight of the PVPP particles have a particle size of at least 10 μm ,

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and removal by centrifuging of at least 95% of the used PVPP from the treated beer in the form of a viscous paste or slurry to form a separate flow stream consisting of the main flow stream of stabilized beer. Support for these amendments can be found, e.g., on page 5, lines 16-18 and page 4, lines 1-4 of the instant specification.

The instantly claimed process is believed to be patentable over Westermann for the following reasons. As urged by applicant and intimated by the Board, the process described by Westermann is conceptually and operationally totally different than applicant's claimed process. The main flow of beer in Westermann is from inlet 4 to outlet 5 via fluidized bed vessel 1 in which it contacts PVPP. A small part of this main flow is continuously taken off through line 6 and passed into wash station 7 which may have a centrifuge in it. Either by filtration or centrifugation, beer from line 6 is returned to the main flow by line 9. That the means of separation in the wash cycle is optional illustrates that Westermann had not appreciated the advantages of using a centrifuge in the main high volume flow stream.

On the other hand, in applicant's claimed continuous process, the main flow of beer treated with PVPP particles of a selected specific size is continuously centrifuged to remove at least 95% of the used PVPP therefrom in the form of a concentrated paste or slurry and to form a separate flow stream consisting of the main flow of stabilized beer. It is respectfully urged that Westermann does not fairly teach or suggest the claimed invention.

Accordingly, Notice of Allowance or early action to that end is earnestly solicited.

Respectfully submitted,



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